

### **REMARKS**

Claims 1-7 were pending in the application. Claim 3 has been amended, claims 1, 2 and 5-7 have been cancelled without prejudice and new claims 8-11 have been added. Therefore, claims 3, 4 and 8-11 are currently pending.

No new matter has been added. The amendments to claim 3 can be found, for example, at least at page 5, lines 16-19 of the specification as originally filed. Support for new claim 8 can be found, for example, at least at page 1, lines 9-10 and at page 4, lines 12-14 of the specification as originally filed. Support for new claim 9 can be found, for example, at least at page 7, lines 18-22 of the specification as originally filed. Support for new claim 10 can be found, for example, at least in original claim 1 and at page 28, lines 1-4 of the specification as originally filed. Support for new claim 11 can be found, for example, at least in original claim 3 and at page 1, lines 9-10 and at page 4, lines 12-14 of the specification as originally filed.

Cancellation of and/or amendments to the claims should in no way be construed as an acquiescence to any of the Examiner's objections or rejections. Cancellation of amendments and/or to the claims is being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. Cancellation of and/or amendments to the claims is not related to any issues of patentability.

#### ***Rejection of Claims 3 and 4 under 35 U.S.C. §112, second paragraph***

Claims 3 and 4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner asserts that "it is unclear if Applicant is referring to the wet milling step or if there is another step that comprises pulverizing the first active ingredient."

Applicants respectfully requests reconsideration and withdrawal of this rejection of claims 3 and 4 in view of the amendments to claim 3.

#### ***Rejection of Claims 3 and 4 under 35 U.S.C. §103(a)***

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki *et al.* (U.S. Patent No. 5,980,962) in view of Hoy *et al.* (U.S. Patent No. 5,208,030). Applicants respectfully traverse this rejection.

Claim 3, as amended, is directed to a process for producing a water dispersible granule formulation comprising the steps of: wet milling a combined mixture of ***a first active ingredient, a wetting and dispersing agent and water***, pulverizing a combined mixture of ***a second active***

***ingredient, a mineral carrier and a wetting and dispersing agent*** under dry milling, and admixing the mixture obtained in the wet milling step and the mixture obtained in the dry milling step, and then drying the admixed mixture to form a homogeneous granule formulation.

In contrast, Suzuki *et al.* discloses a method for the preparation of a water dispersible granule by: (a) admixing ***an active ingredient*** (*e.g.*, a pesticidal component) and other agents (*e.g.*, tristyryl phenyl ether with polyoxyethylene and a dispersion aid) to produce “WDG-SC,” (b) admixing ***a dispersing agent and a mineral carrier*** (*e.g.*, potassium chloride, inorganic calcium salts, diatomaceous earth, pyrophyllite-type clay or kaolinite-type clay) to produce “WDP-WP” and (c) mixing WDG-SC and WDP-WP.

Further, Hoy *et al.* discloses a method of making a dosage device by admixing at least one active ingredient which is in solid form at 25°C and which has an average particle size of less than 5 microns, with a disintegrating agent to provide a compressible mix and compressing the mix into a unitary dosage form.

Applicants respectfully submit that neither Suzuki *et al.* nor Hoy *et al.*, alone or in combination, teach or suggest all of the claim limitations. In particular, the cited references do not provide any teaching, suggestion or motivation for a method of using a first active agent and a second active agent, as currently claimed. Although the Examiner asserts that potassium chloride is a second active agent in relative to the first active agent, Suzuki *et al.* discloses that potassium chloride is used solely as a mineral carrier. Moreover, although the Examiner interprets “potassium chloride to read on a ‘second active ingredient’ because potassium chloride is a well-known source of potassium in, for example, fertilizers in order to provide plants a required nutrient for growth,” Applicants respectfully submit that the specification discloses that the active ingredients of the invention are agricultural chemicals having insecticidal, fungicidal or herbicidal activity (see, for example, page 1, lines 9-10 of the specification). Further, Hoy *et al.* is silent as to the use of potassium chloride. Accordingly, a skilled artisan would not have been motivated by either Suzuki *et al.* or Hoy *et al.*, alone or in proper combination, or by general knowledge in the art, to practice the claimed method. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection of the claims under 35 U.S.C. §103(a).

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Examiner: C.S. Hagopian

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Group Art Unit: 1615

**SUMMARY**

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conference with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

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Respectfully submitted,

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